

		103	104	105	
	Citation 904 F.2d 677 14 U.S.P.Q.2d 1942 (CITE AS: 904 F.2D 677)	Rank (R) R 2 of 3	Page(P) P 1 of 39	Database CTA	Mode PAGE
102					
101					
	<p style="text-align: center;">WILSON SPORTING GOODS CO., Plaintiff-Appellee, v. DAVID GEOFFREY & ASSOCIATES d/b/a Slazenger, and Dunlop Slazenger Corporation aka Dunlop Sports Corporation, Defendants-Appellants. Nos. 89-1554, 89-1555. United States Court of Appeals, Federal Circuit. May 23, 1990. Rehearing Denied July 5, 1990. Suggestion for Rehearing In Banc Declined July 27, 1990.</p> <p>In actions alleging infringement of patent claim for certain configuration of dimples on a golf ball cover, the United States District Court for the District of South Carolina, William M. Catoe, Jr., United States Magistrate, found the patents valid and infringed, and entered judgments accordingly. Appeals were taken and colosidated. The Court of Appeals, Rich, Circuit Judge, held that: (1) alleged infringer's motion for JNOV on infringement was timely and supported by its motion for directed verdict, and (2) claims were not infringed under doctrine of equivalents.</p>				

Figure 1a

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904 F.2d 677 FOUND DOCUMENT P 25 OF 39 CTA PAGE
(CITE AS 904 F.2d 677, *682)

F.2d 1546, 1550-52 & n. 8, 10 U.S.P.Q.2d 1201, 1206-07 & n. 8
(Fed.Cir.1989) (JNOV on infringement).

[1] We are persuaded by the Notes of the Advisory Committee on the 1963 Amendments to the Federal Rules of Civil Procedure and by comparison of Rule 50 with Rules 52 and 59. The Advisory Committee Notes to Rule 50 state that the time limit for Rule 50(b) is consistent with that set forth in Rule 59(b) for moving for a new trial and in Rule 52(b) for moving to amend findings by the district court. Rule 59(b) explicitly states that a motion for new trial "shall be served not later than ten days after entry of the judgment" (our emphasis). Similarly, the Sixth Circuit has held that a Rule 52(b) motion, which contains language very similar to Rule 50(b), is timely if served on the tenth day after judgment and filed on the eleventh day. *Keohane v. Swarco, Inc.*, 320 F.2d 429, 432 (6th Cir. 1963).

In *Keohane*, the Sixth Circuit did not consider the Advisory Committee Notes, but relied on Rule 5(d) which states:

(d) Filing. All papers after the complaint required to be served upon a party shall be filed with the court either before service or within a reasonable time thereafter.

The court concluded that "there would not be much reason to have Rule 5(d) if the papers had to be both served and filed within the 10 day period." *Id.* at

Figure 1b

110

120

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3		in 498 U.S. 992
4		in 111 S.Ct. 537
5		112 L.Ed.2d at 547
6		124 L.Ed.2d 1, 11
7		113 S.Ct. 1967, 1972
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9		140 F.R.D. 113, 118
		140 F.R.D. 121, 127
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Figure 1c

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6	737 F.Supp. 1227, 1238	7
7	796 F.Supp. 640, 646	

Cir. 2

8	992 F.2d 12, 15	
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Figure 1d

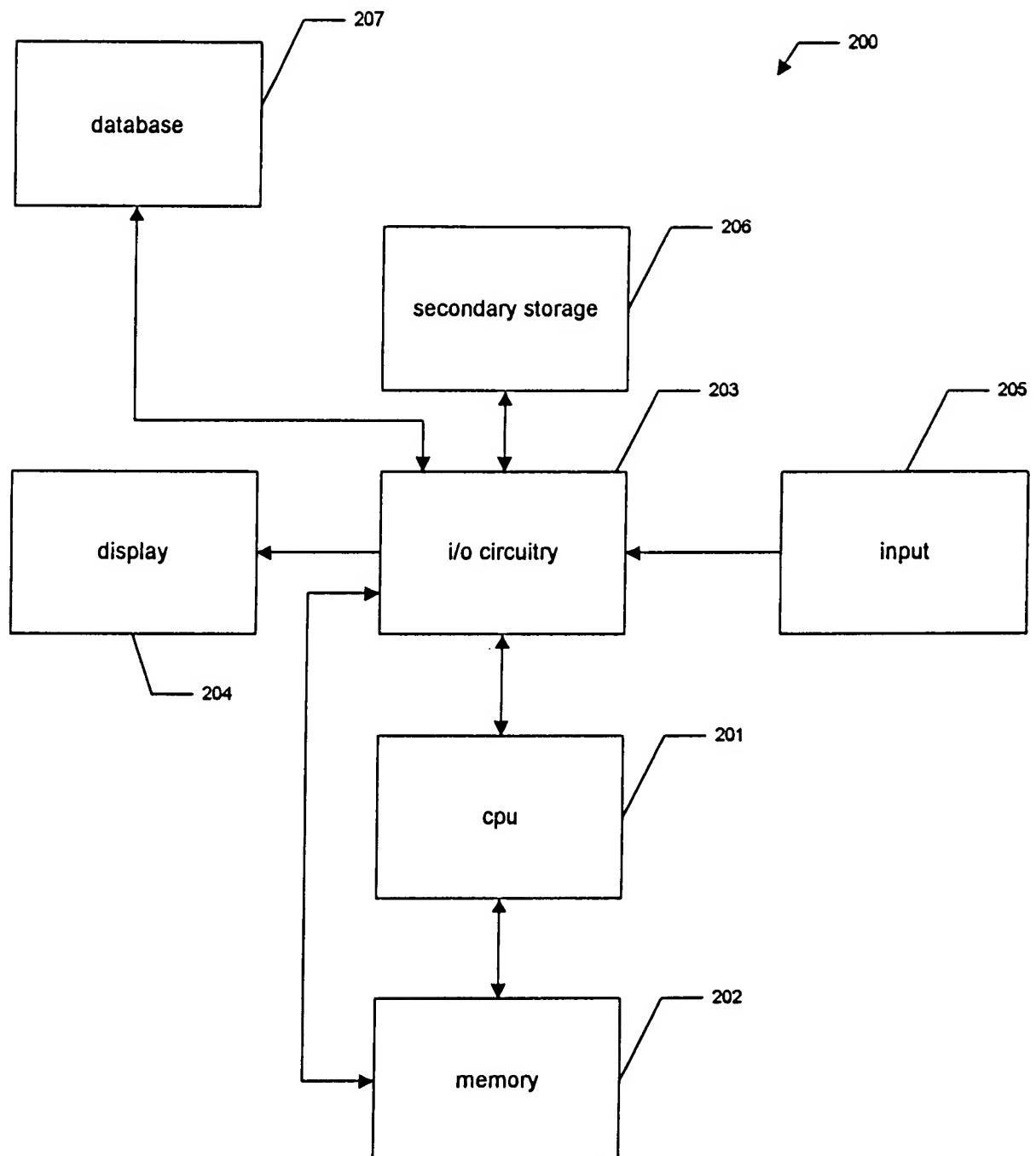


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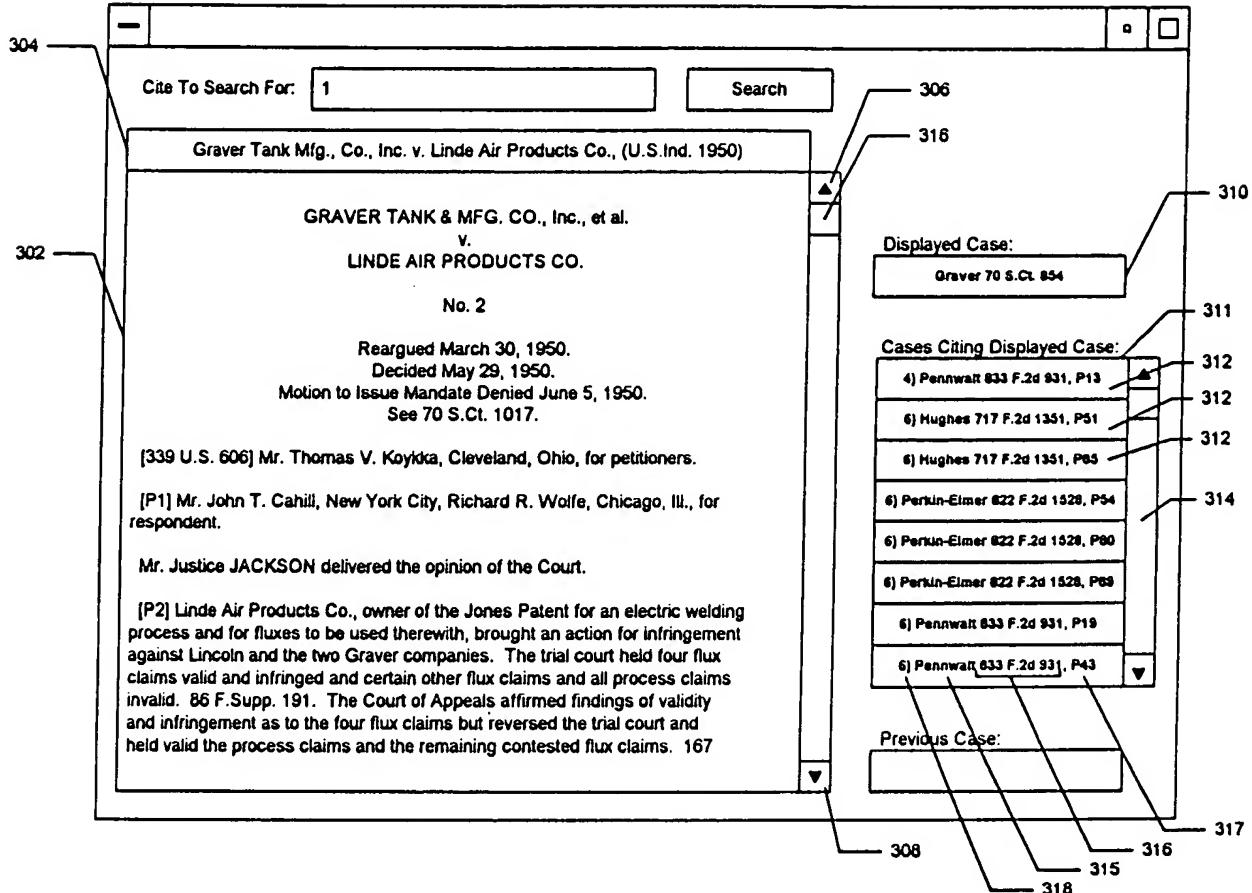


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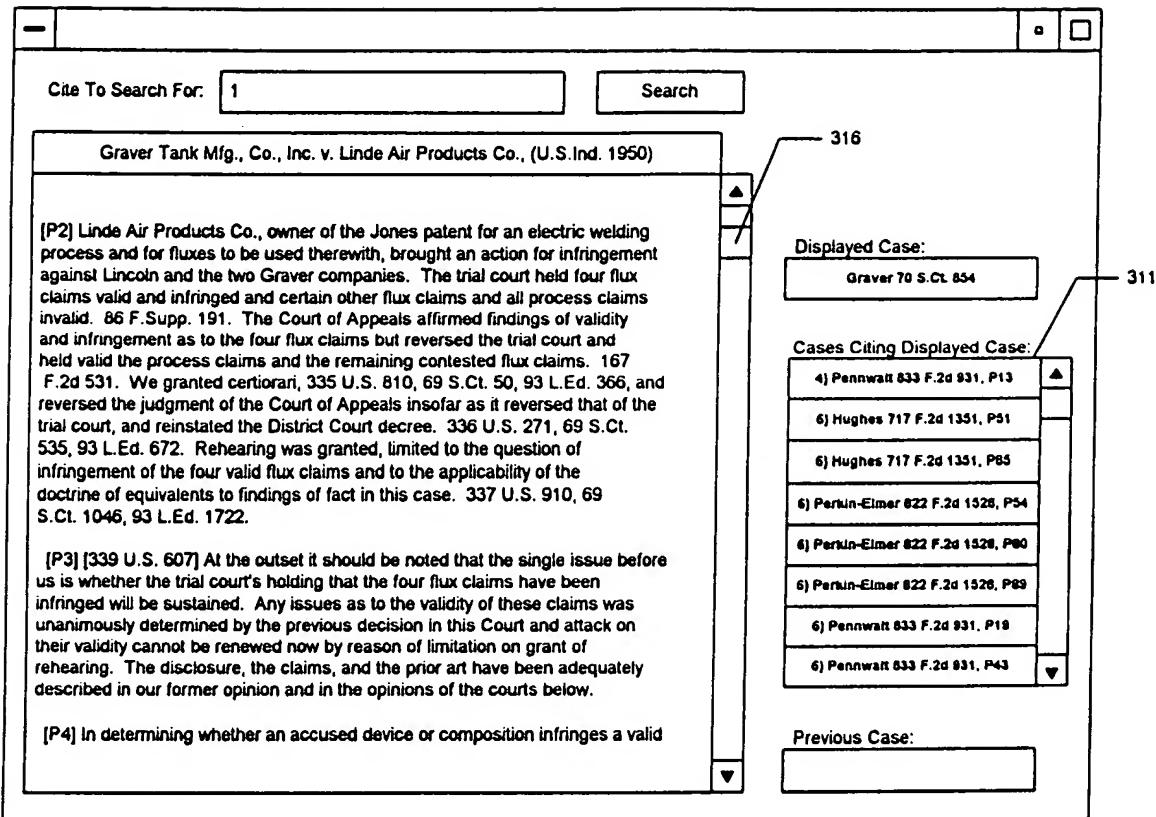


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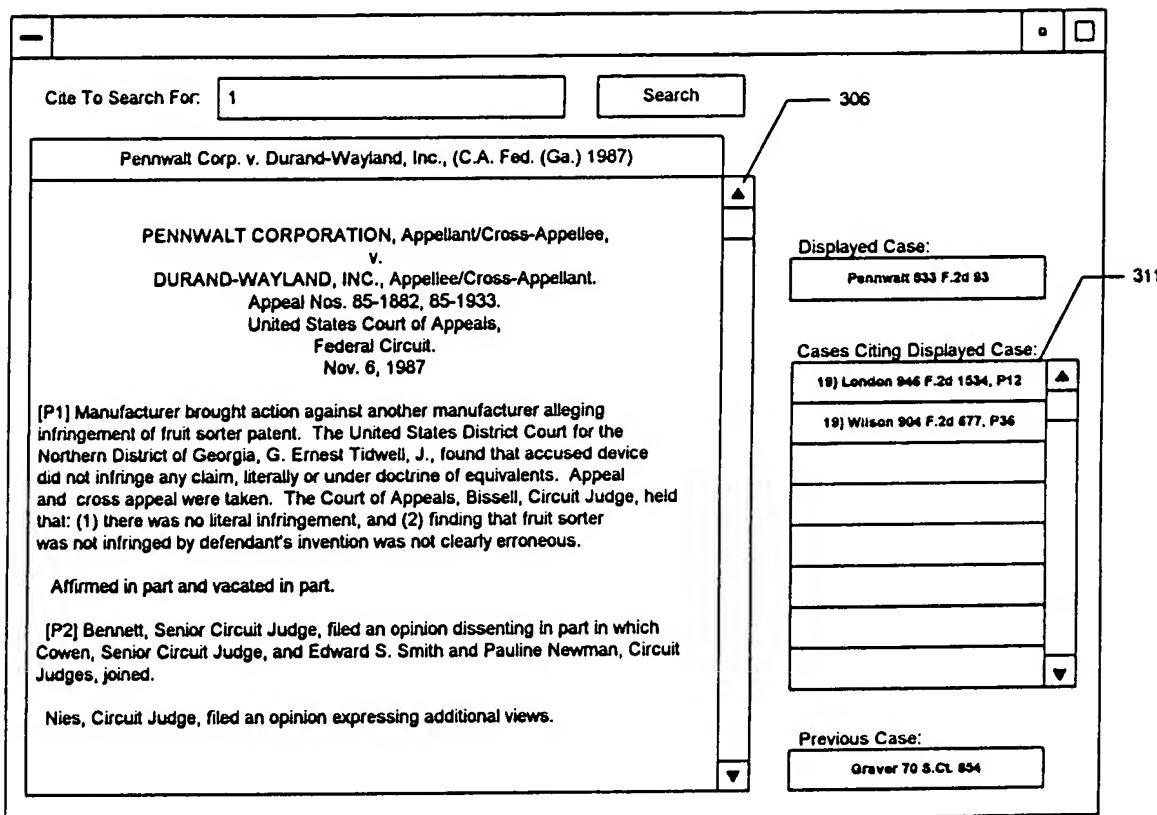


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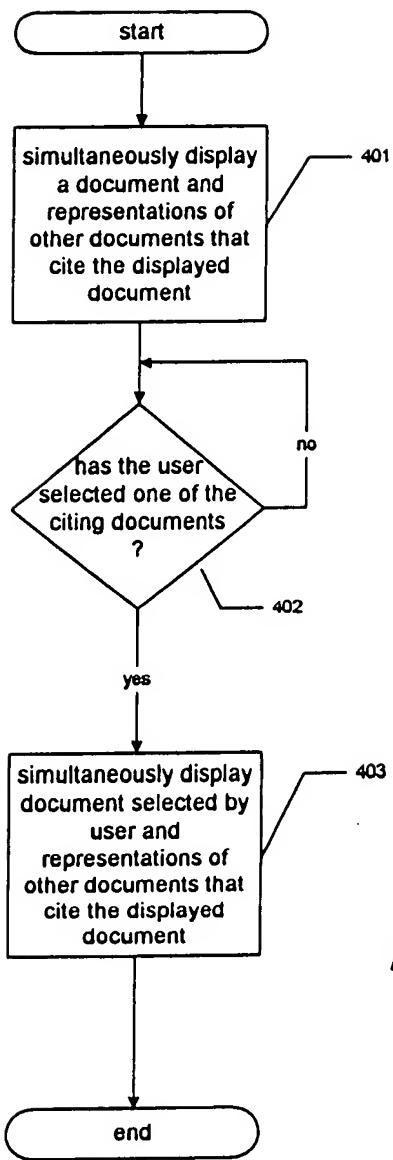


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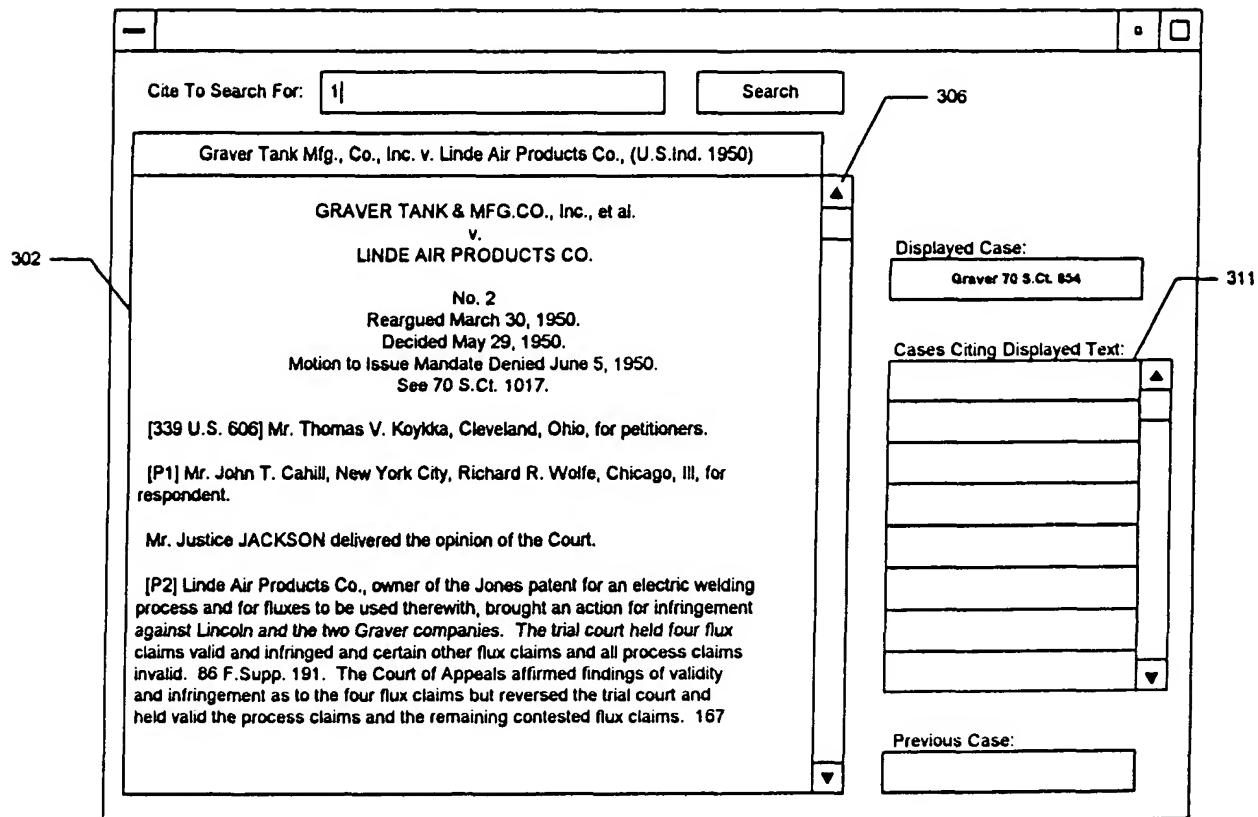


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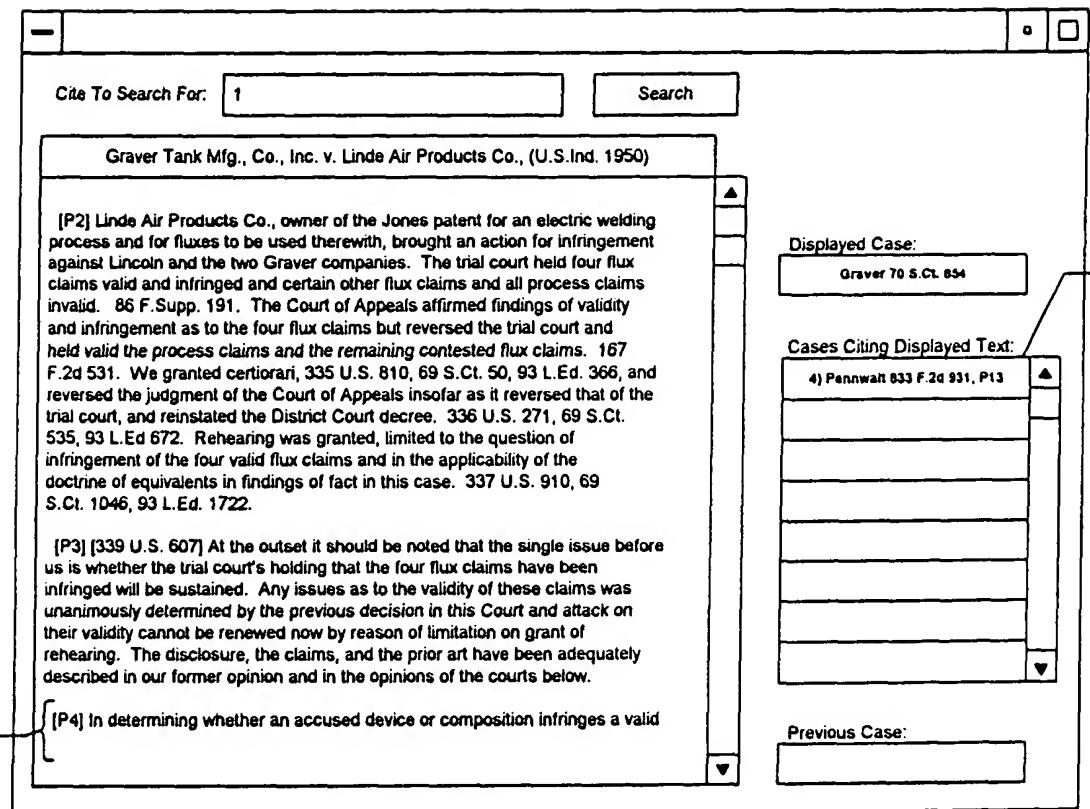


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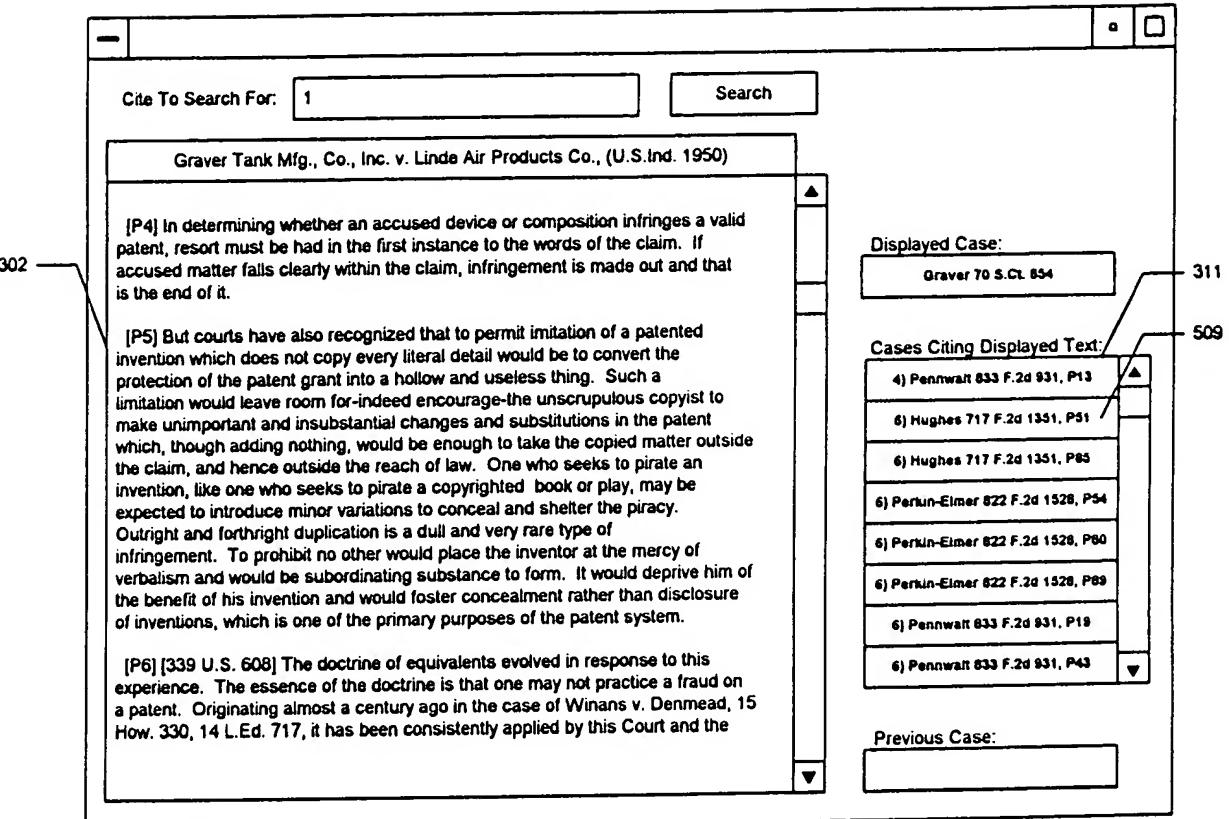


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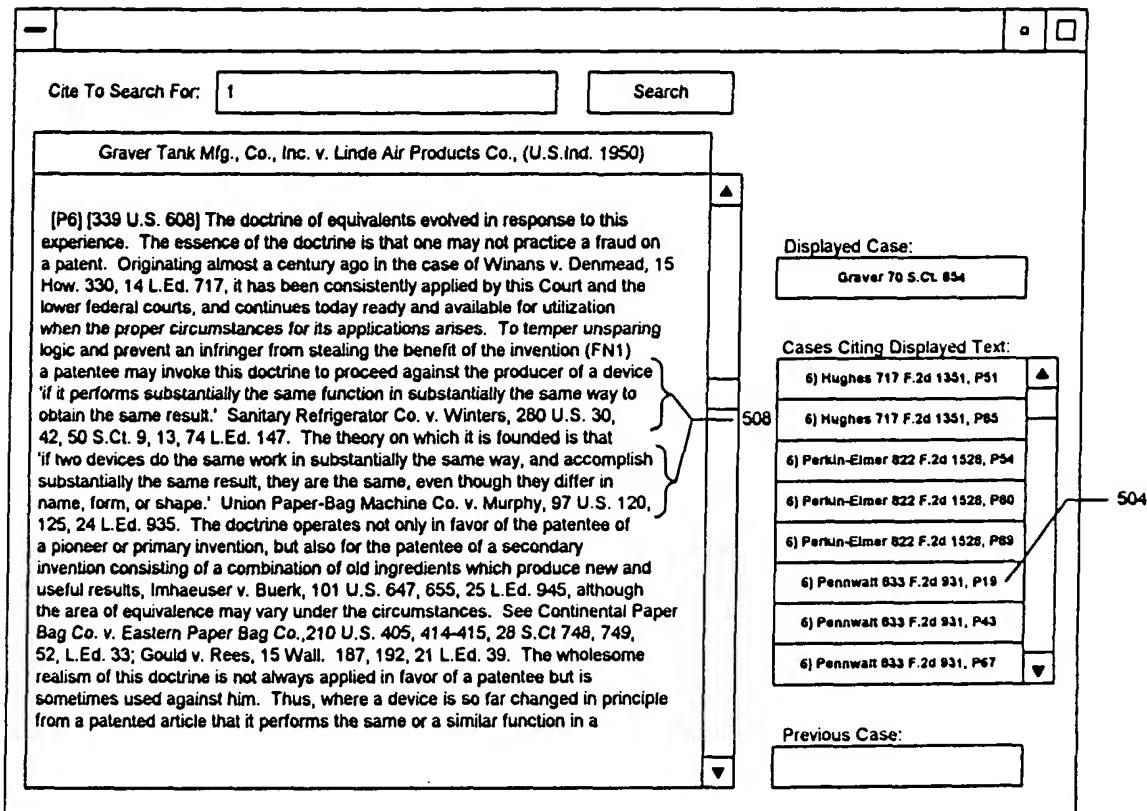


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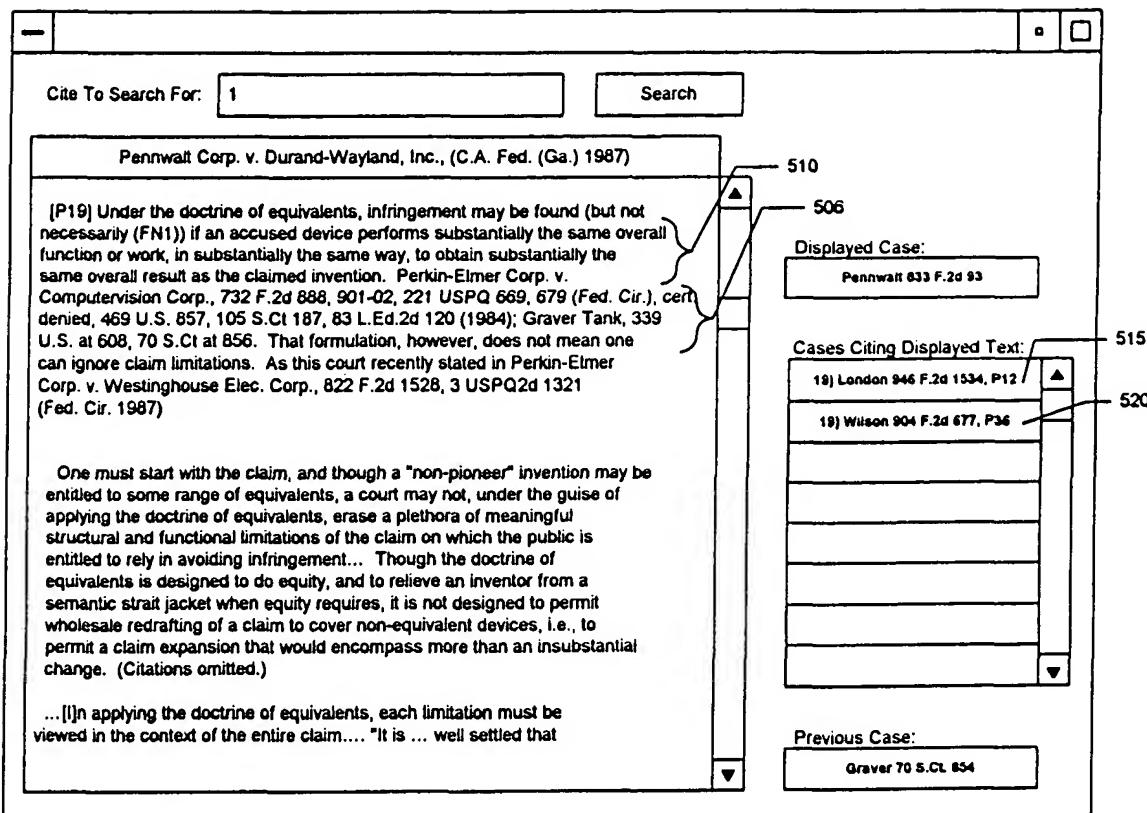


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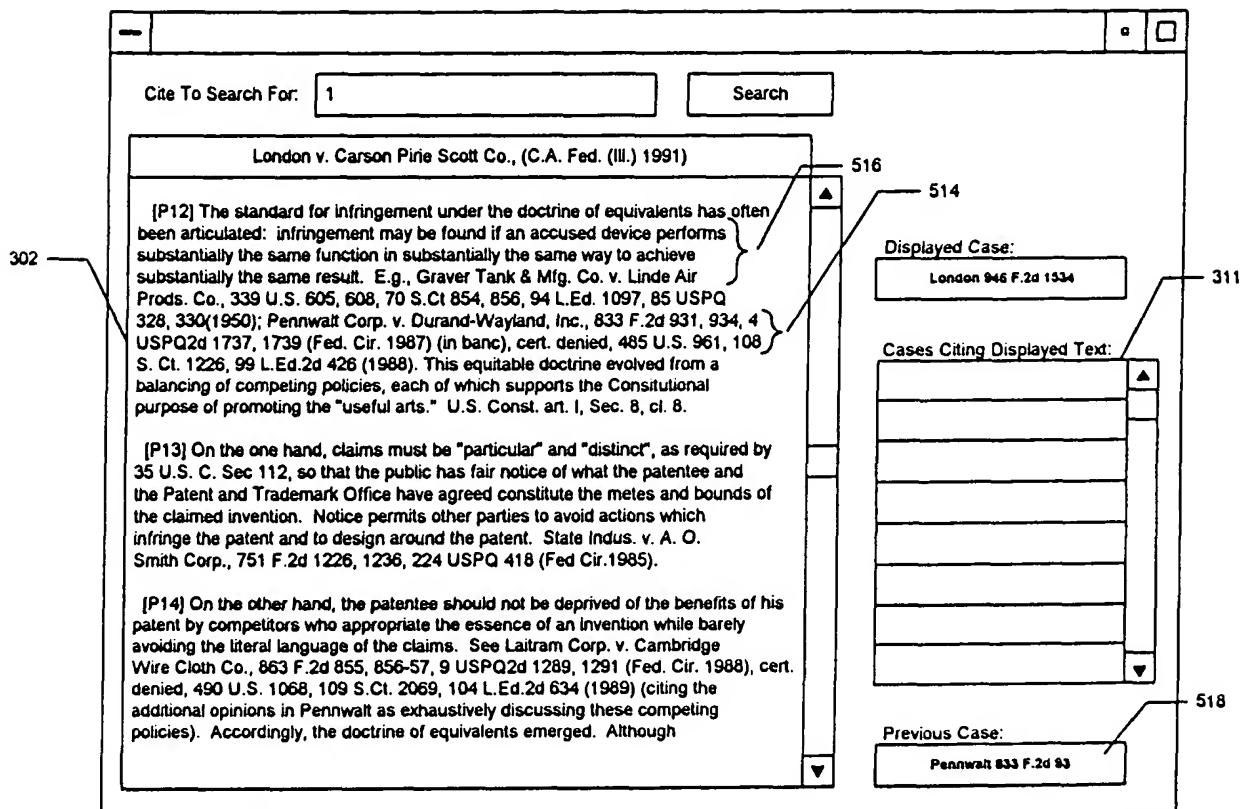


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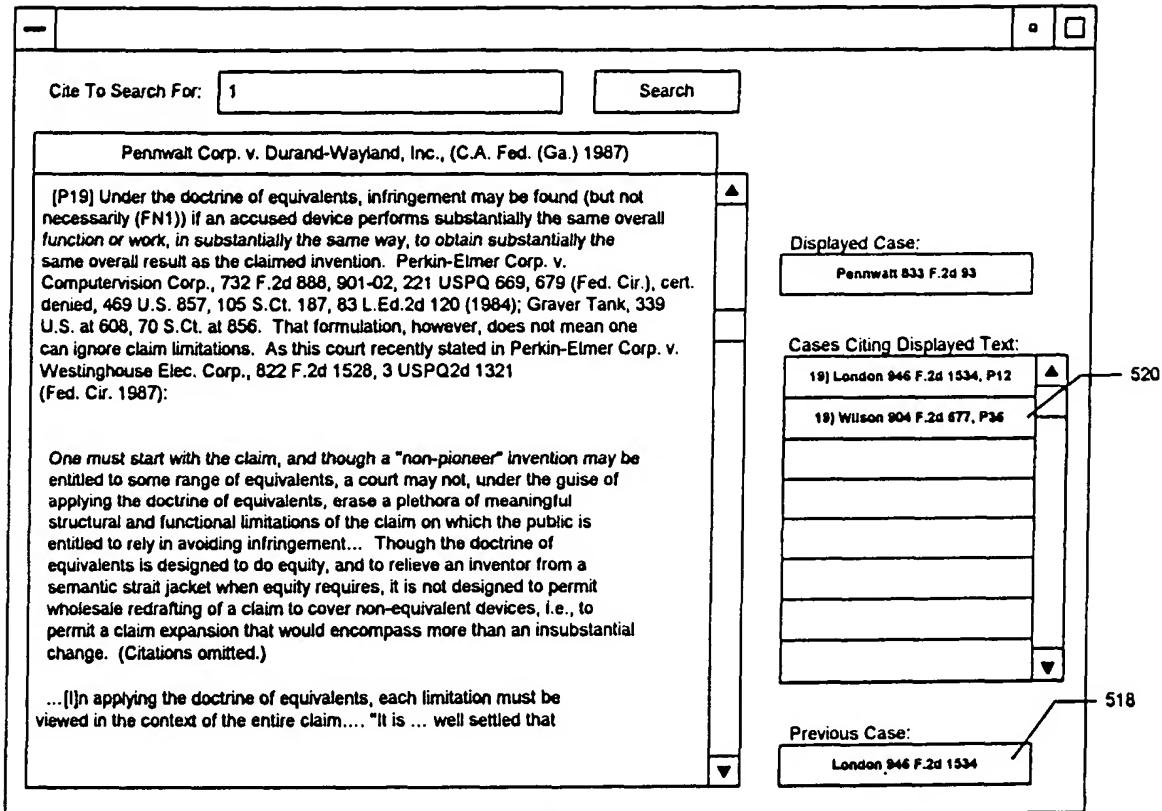


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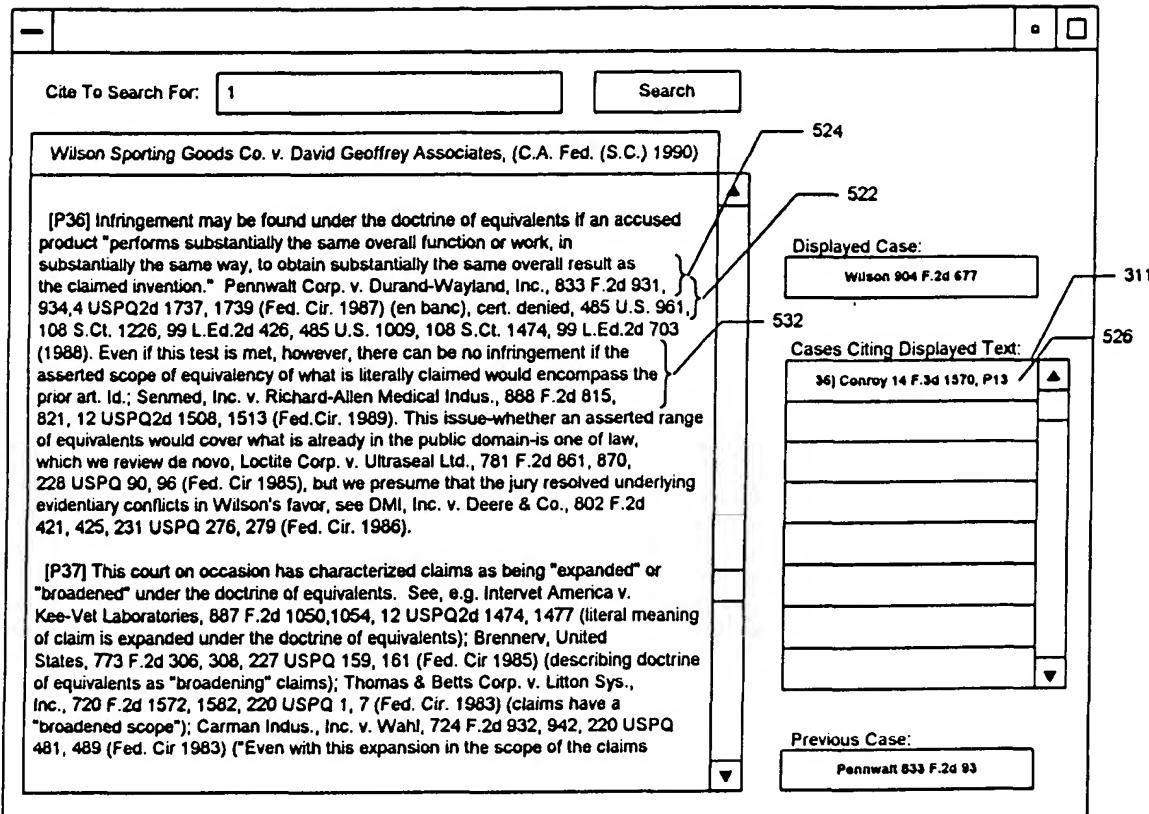


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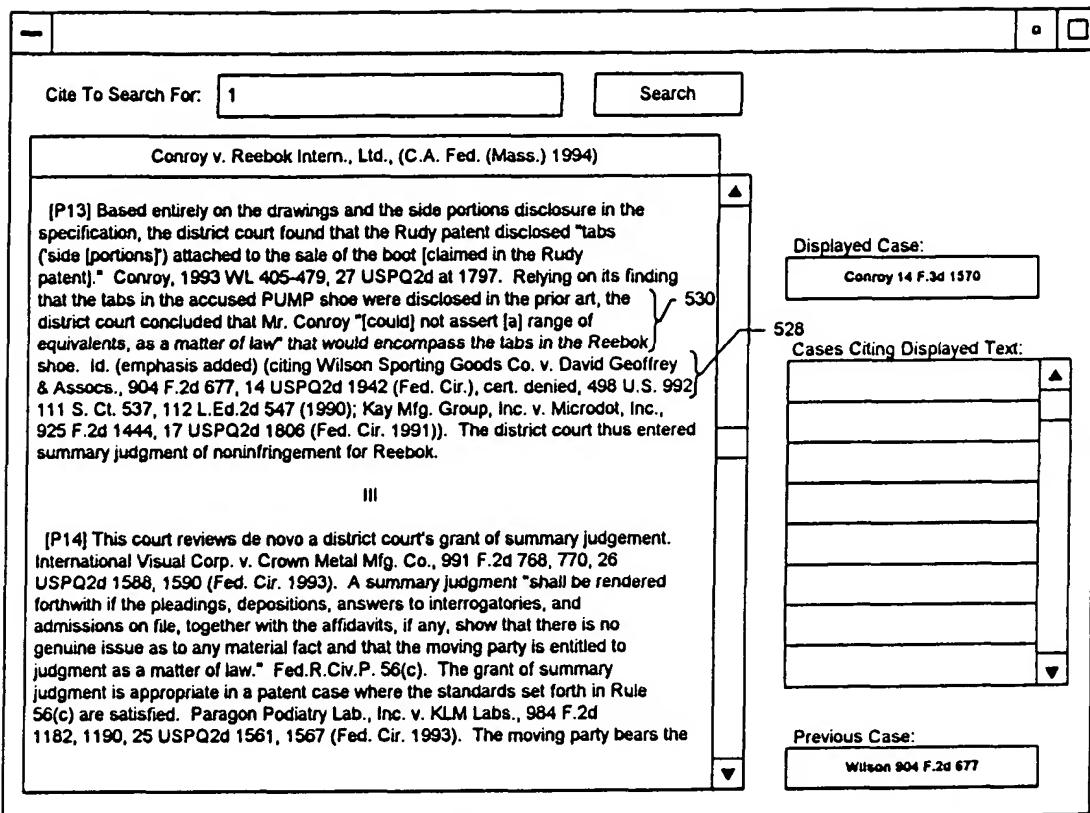


Figure 5i

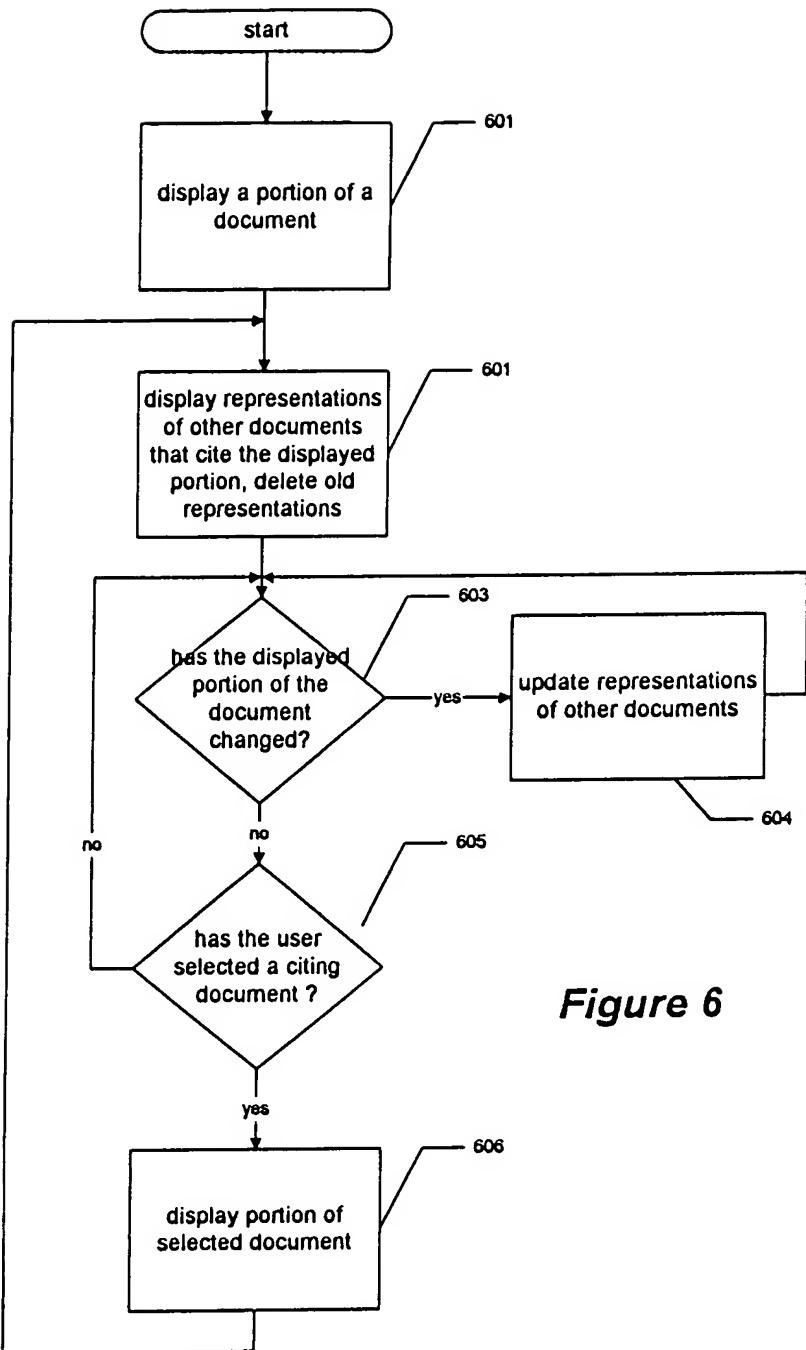


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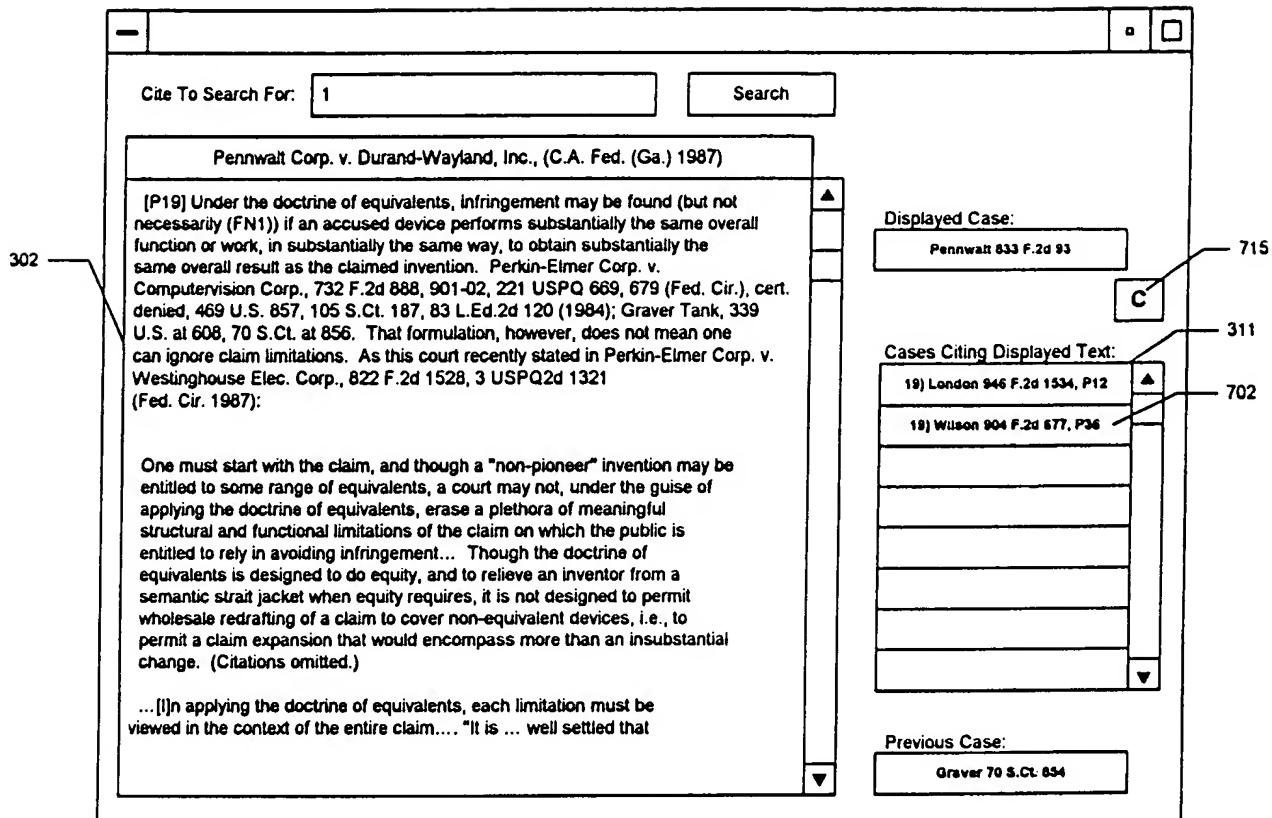


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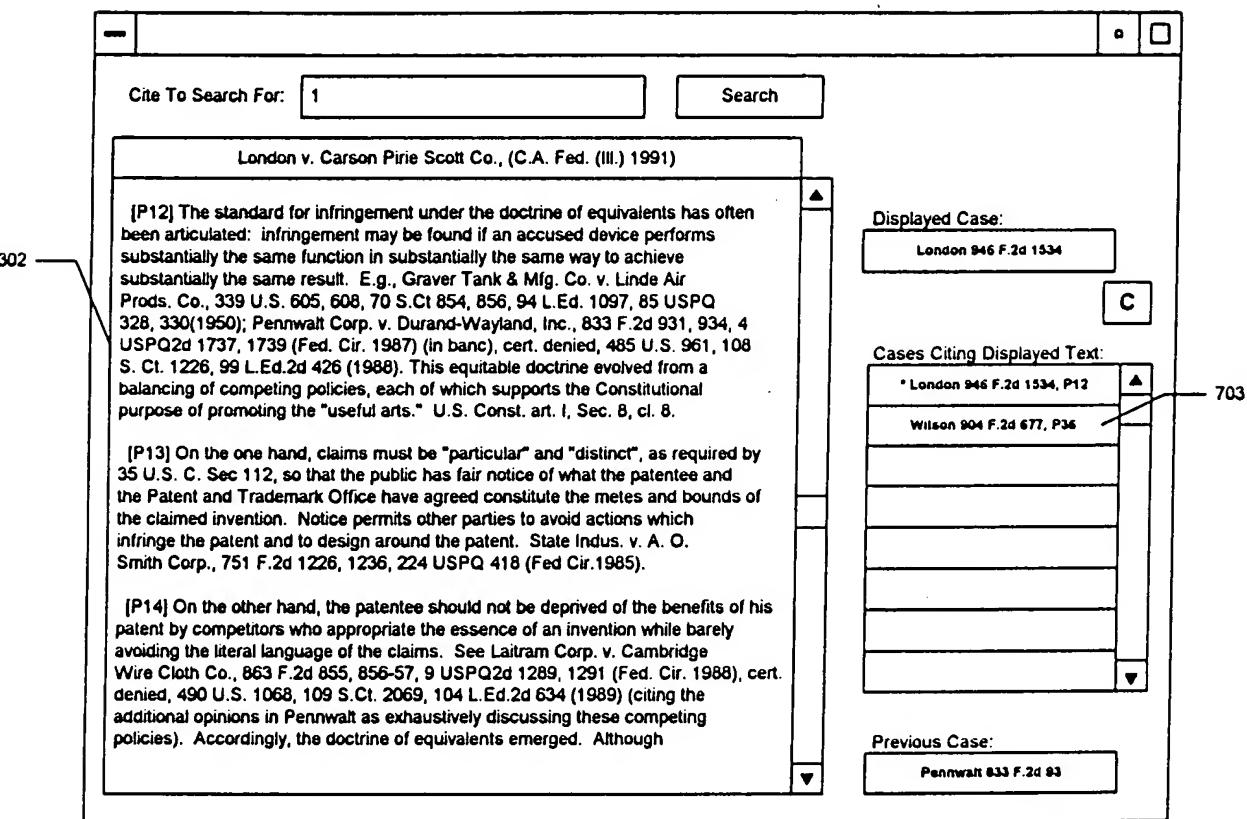


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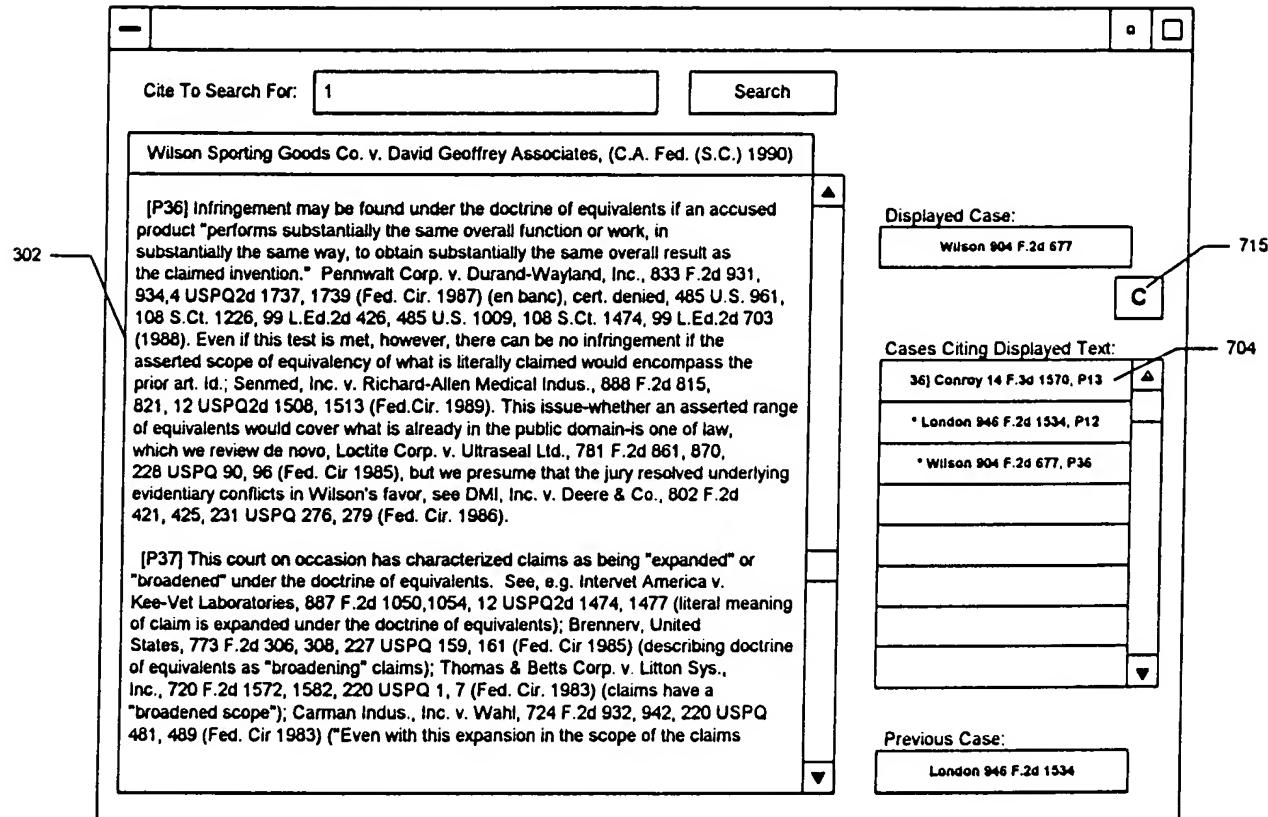


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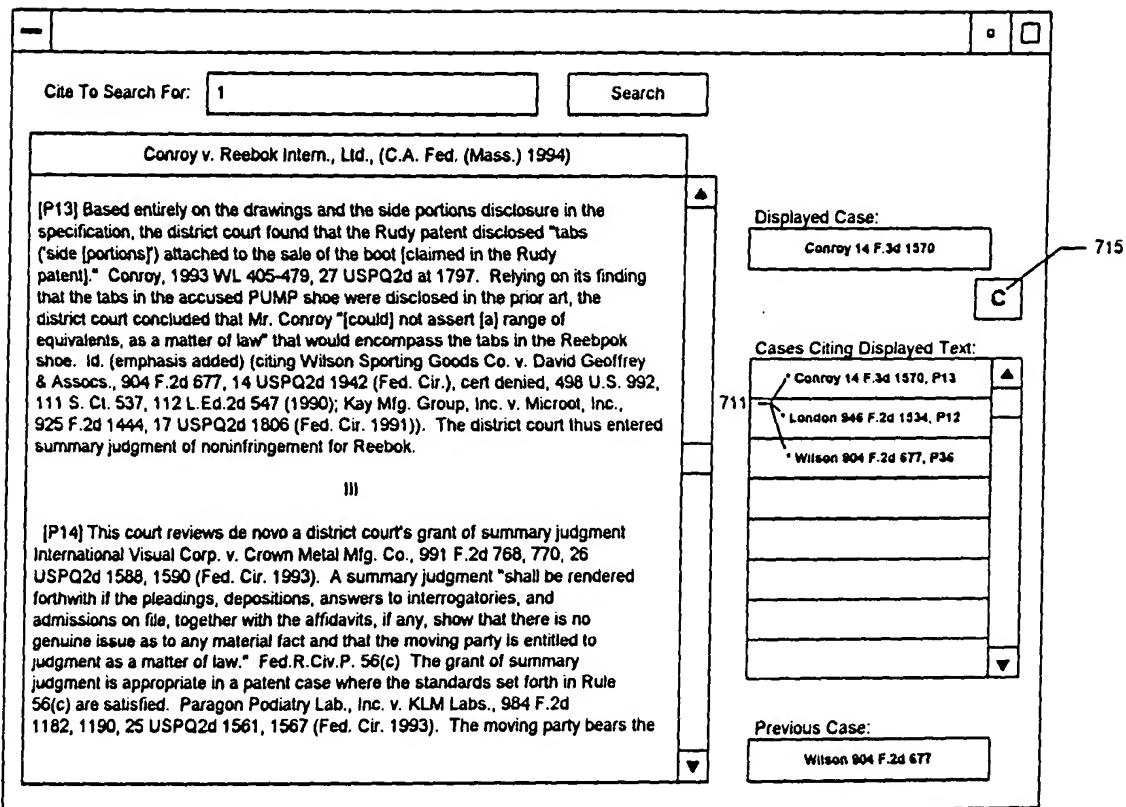


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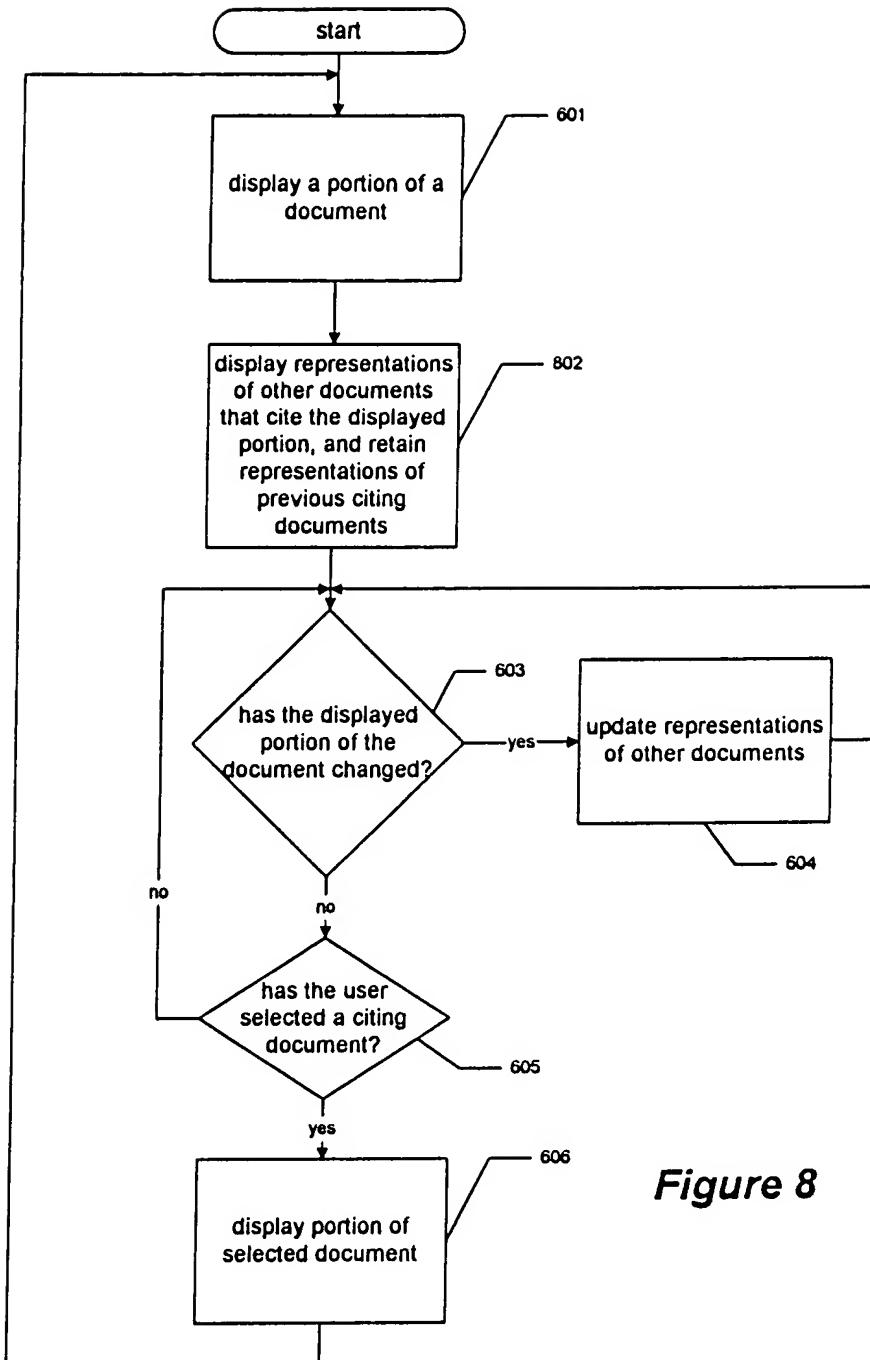


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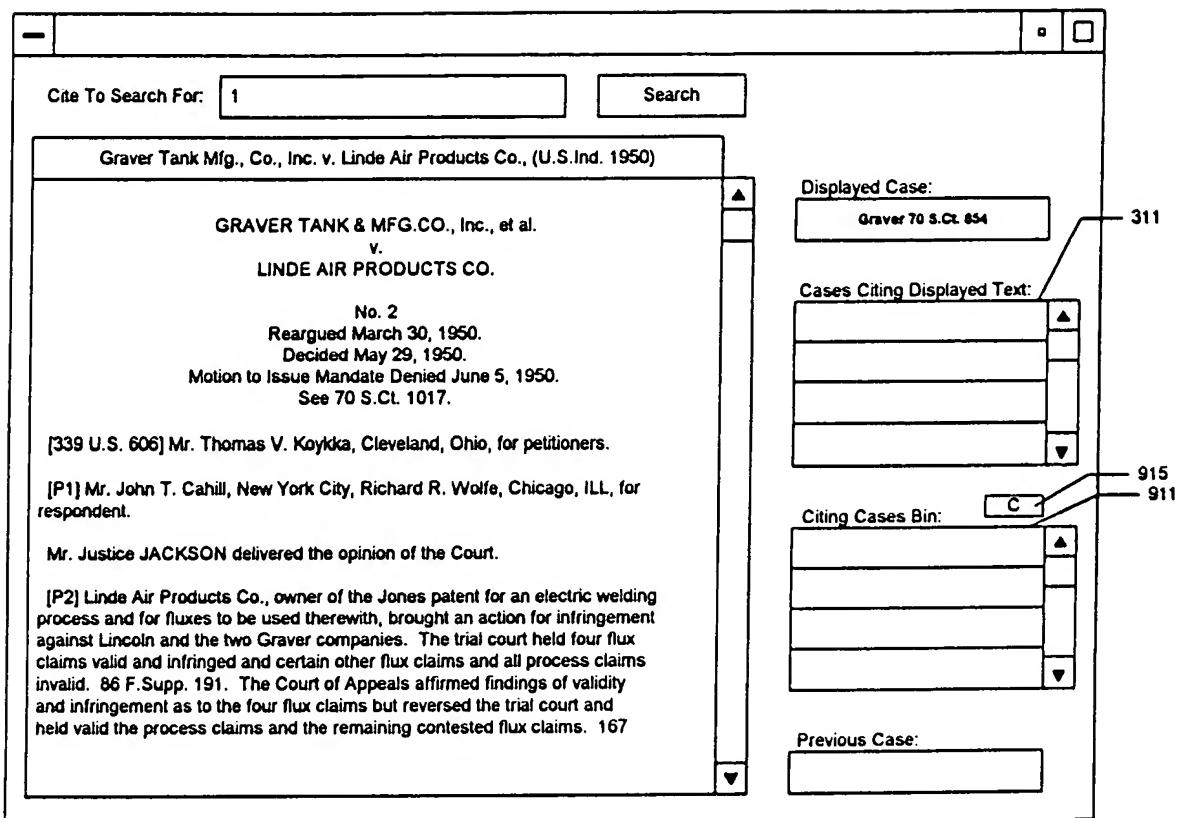


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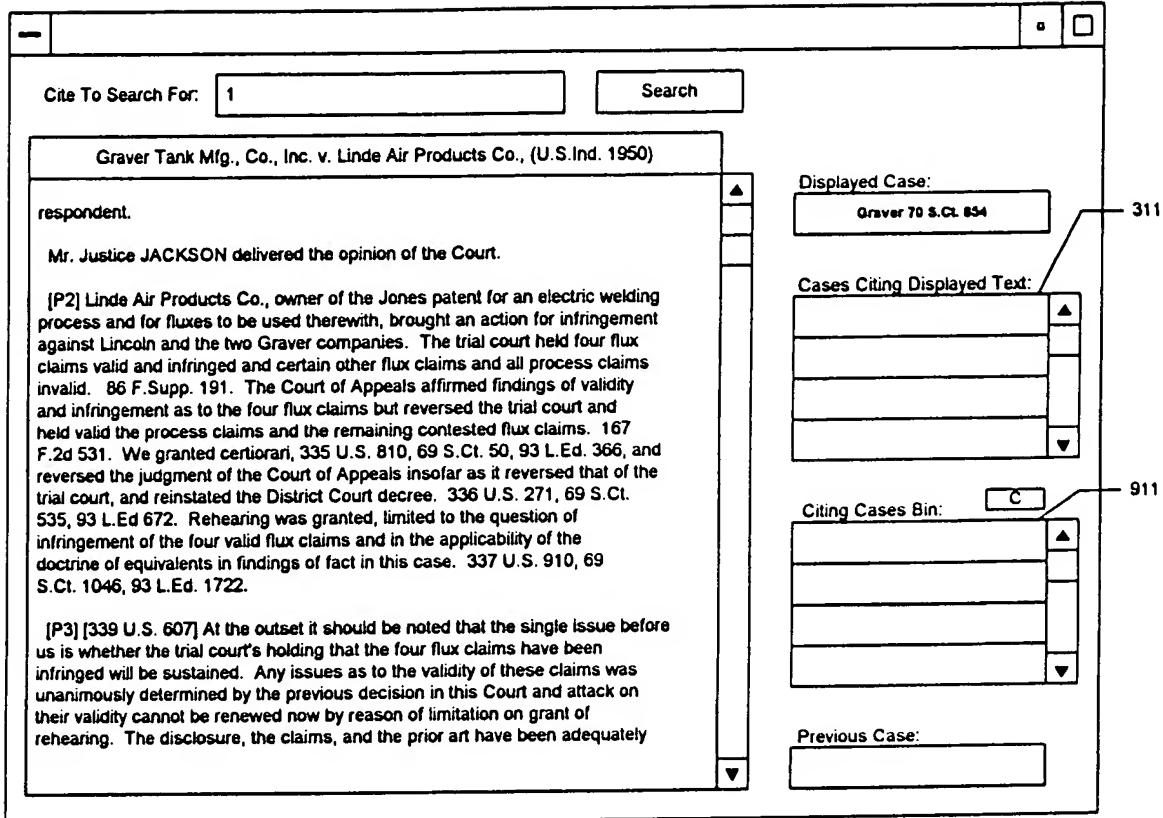


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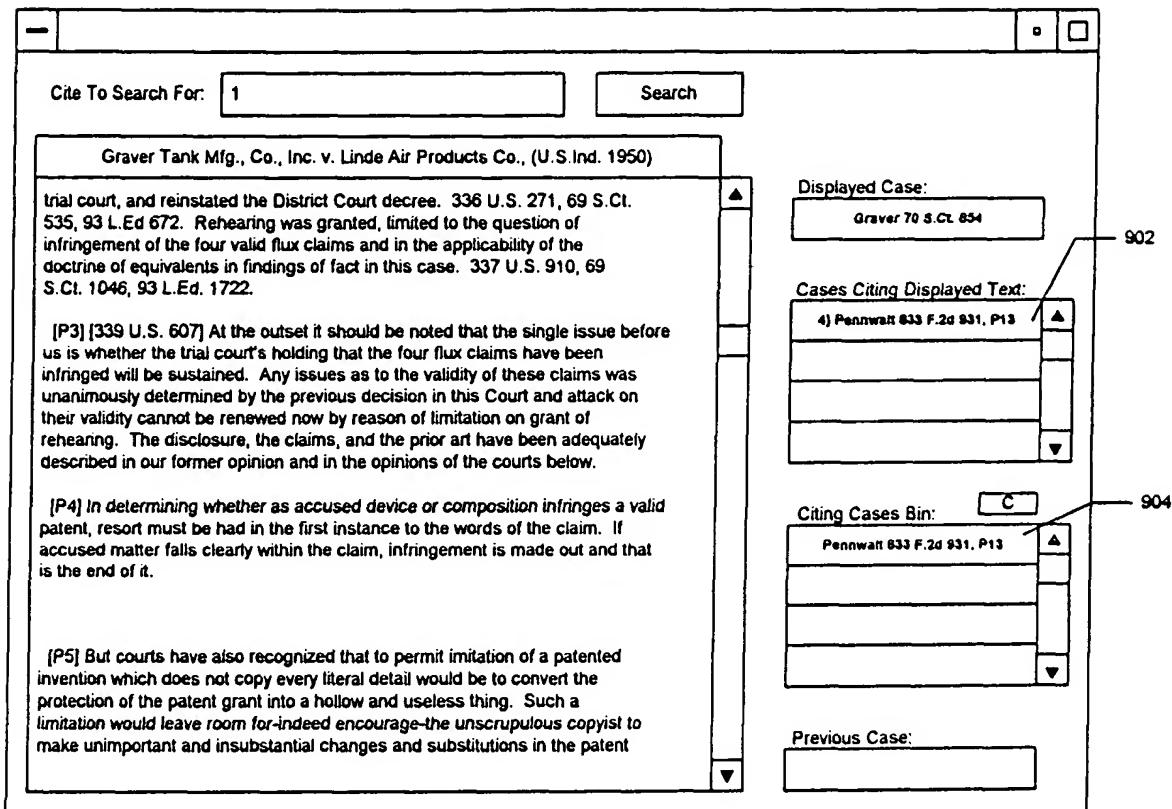


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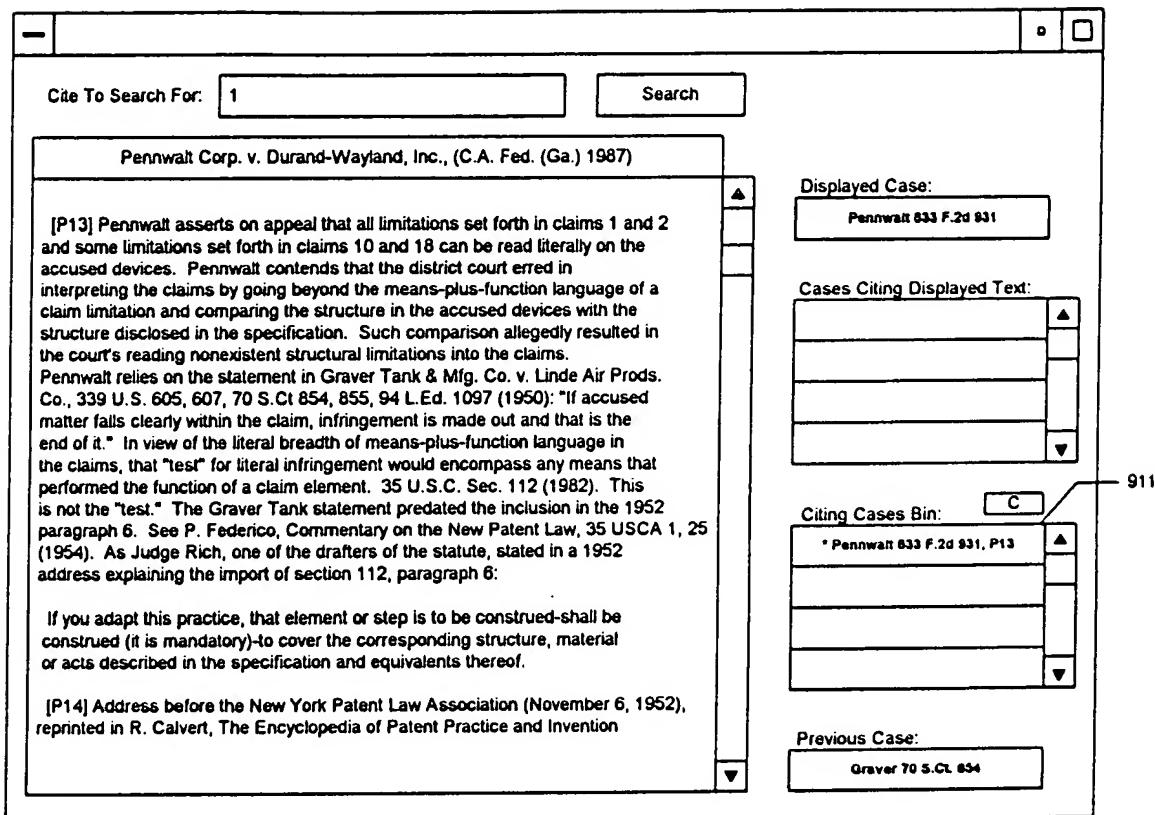


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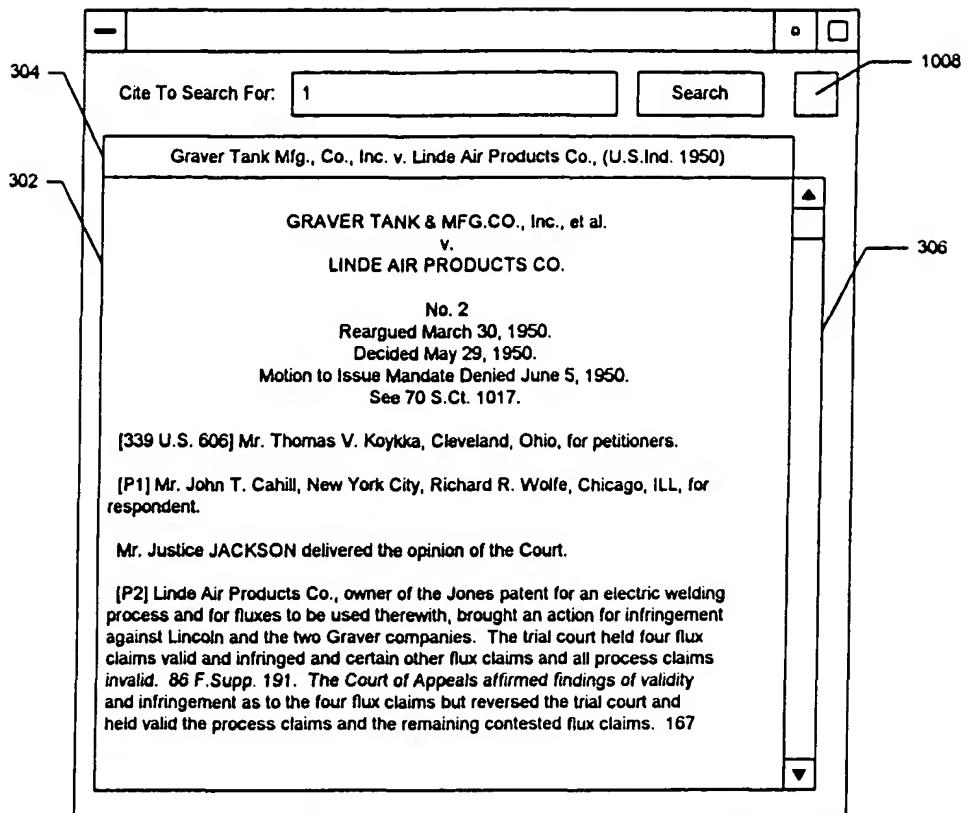


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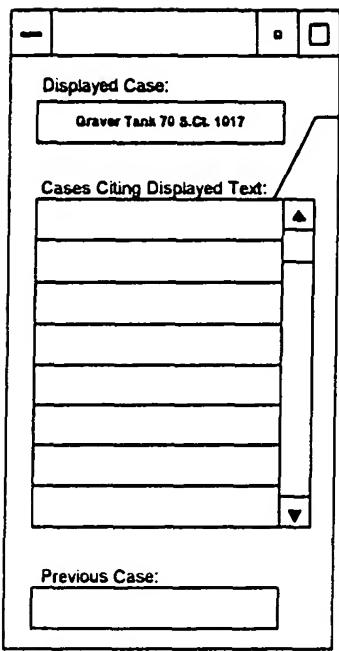


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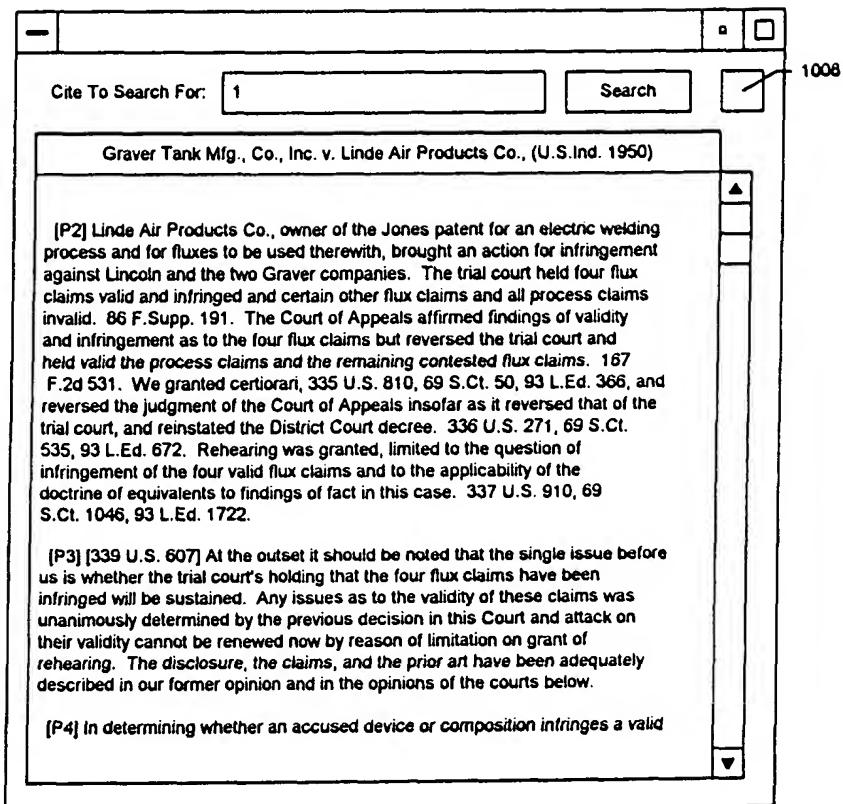


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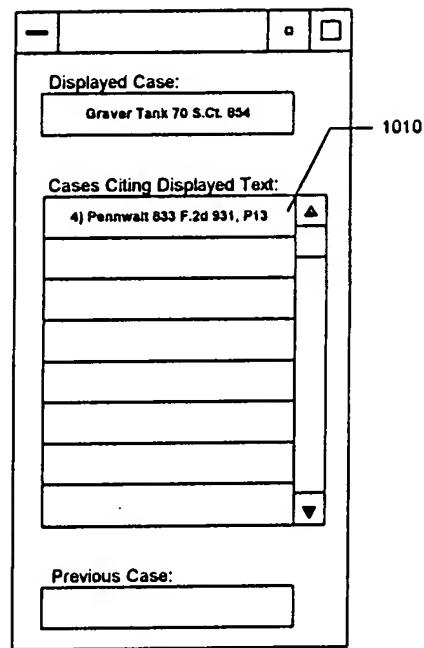


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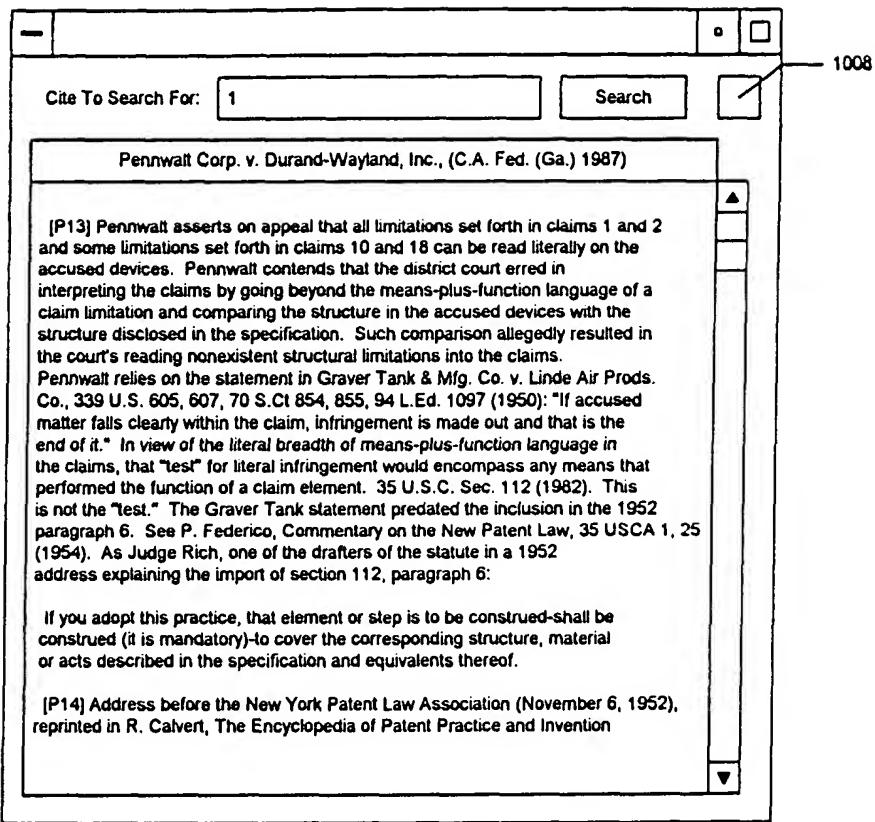


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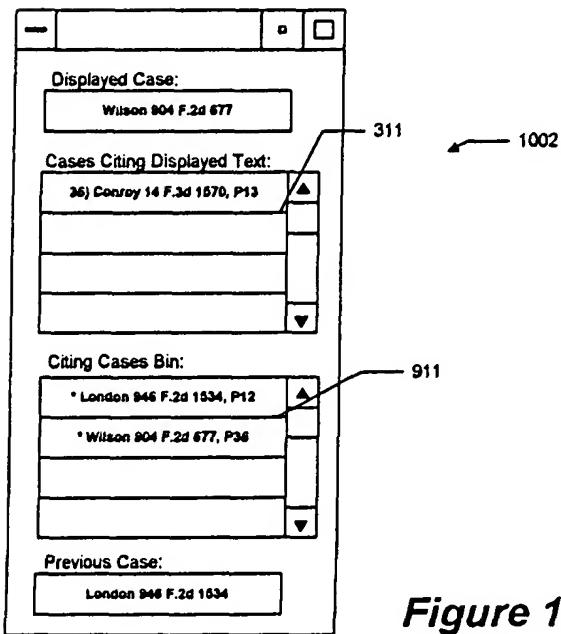


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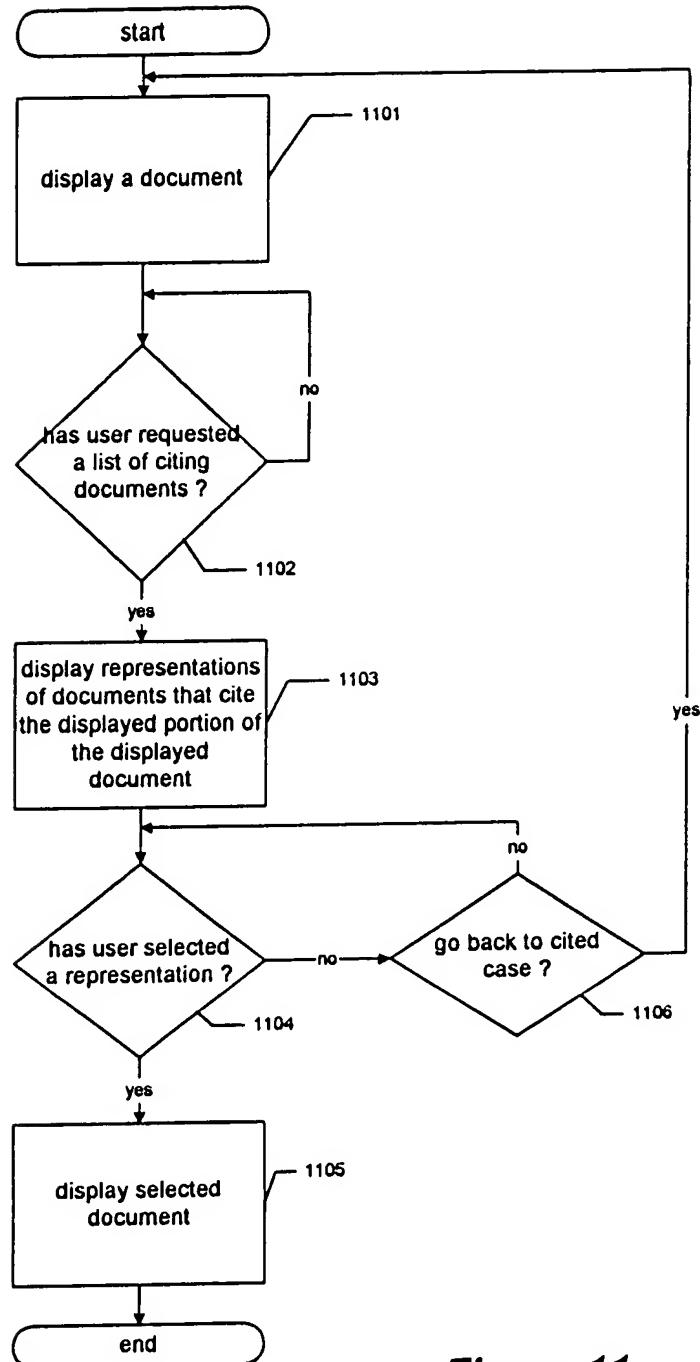


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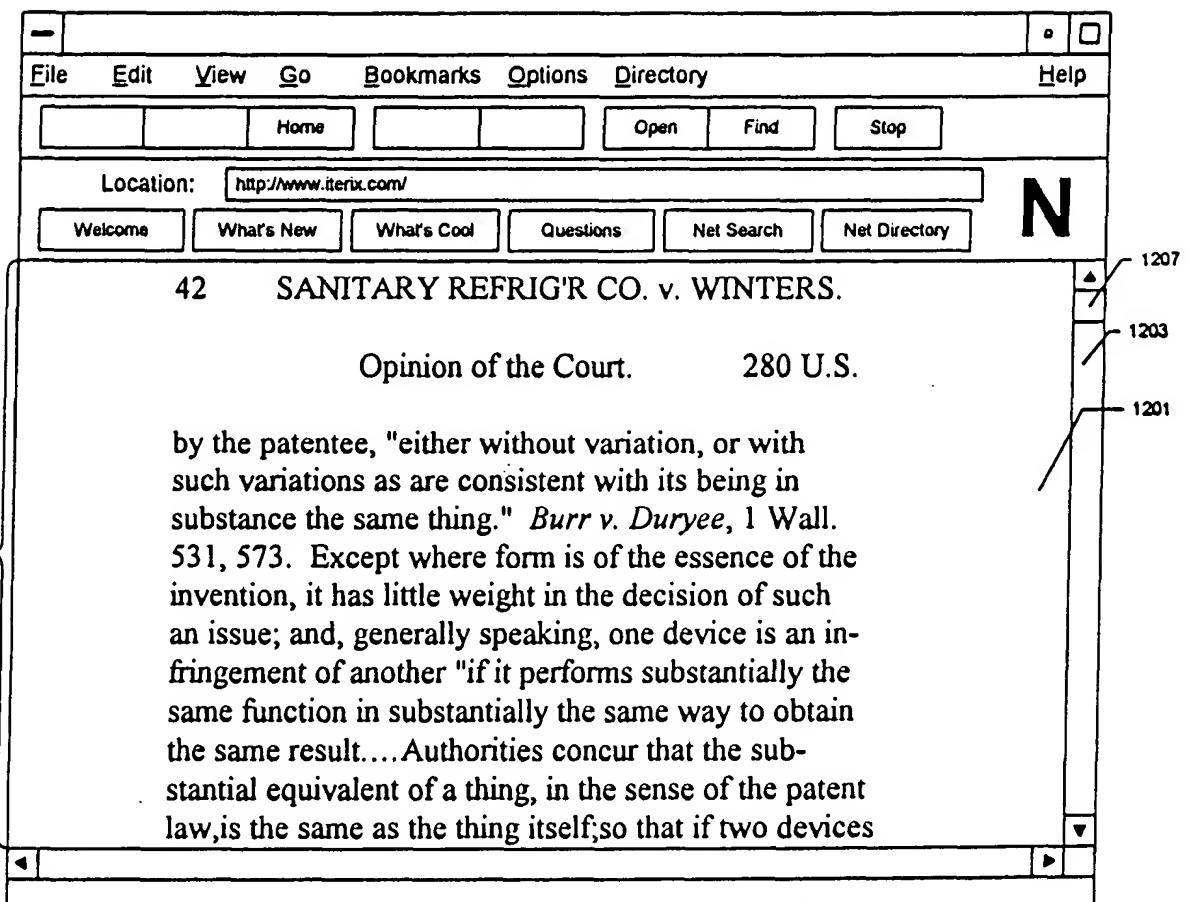


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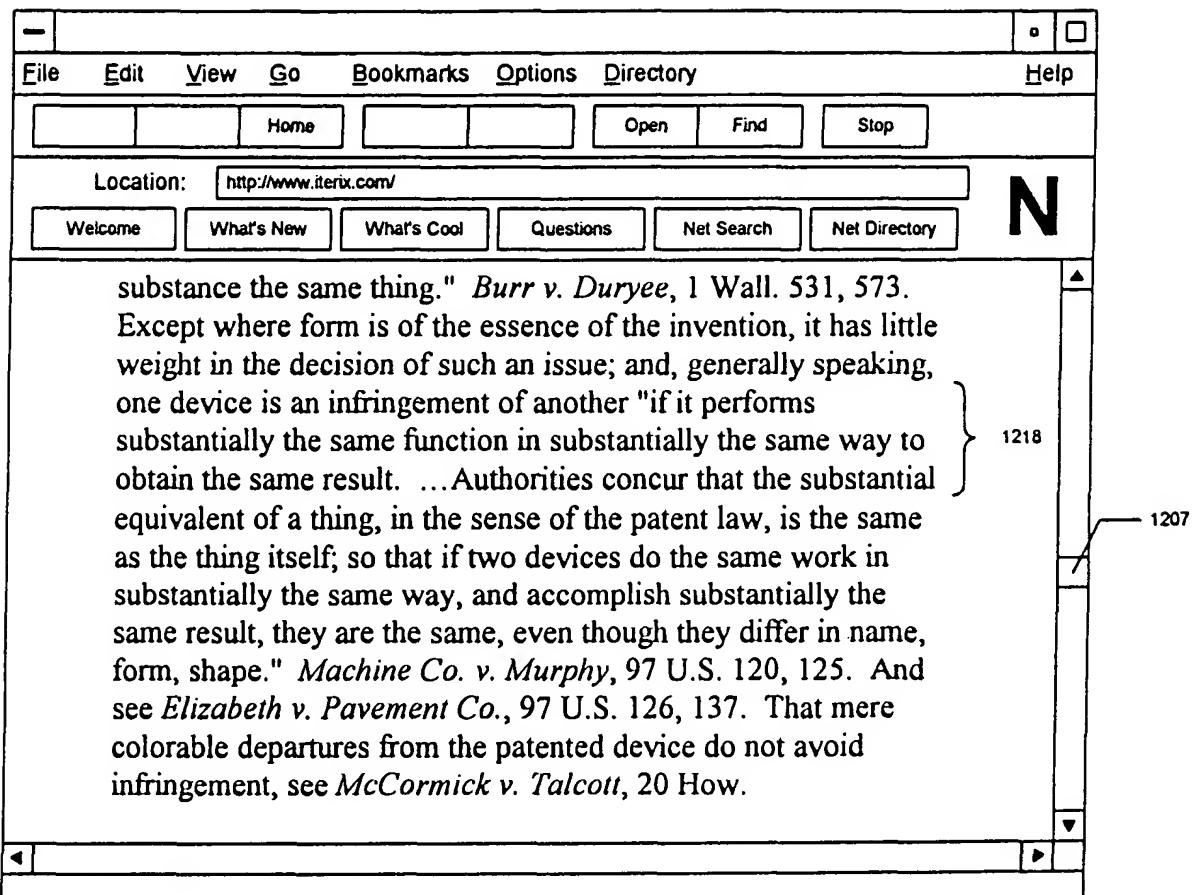


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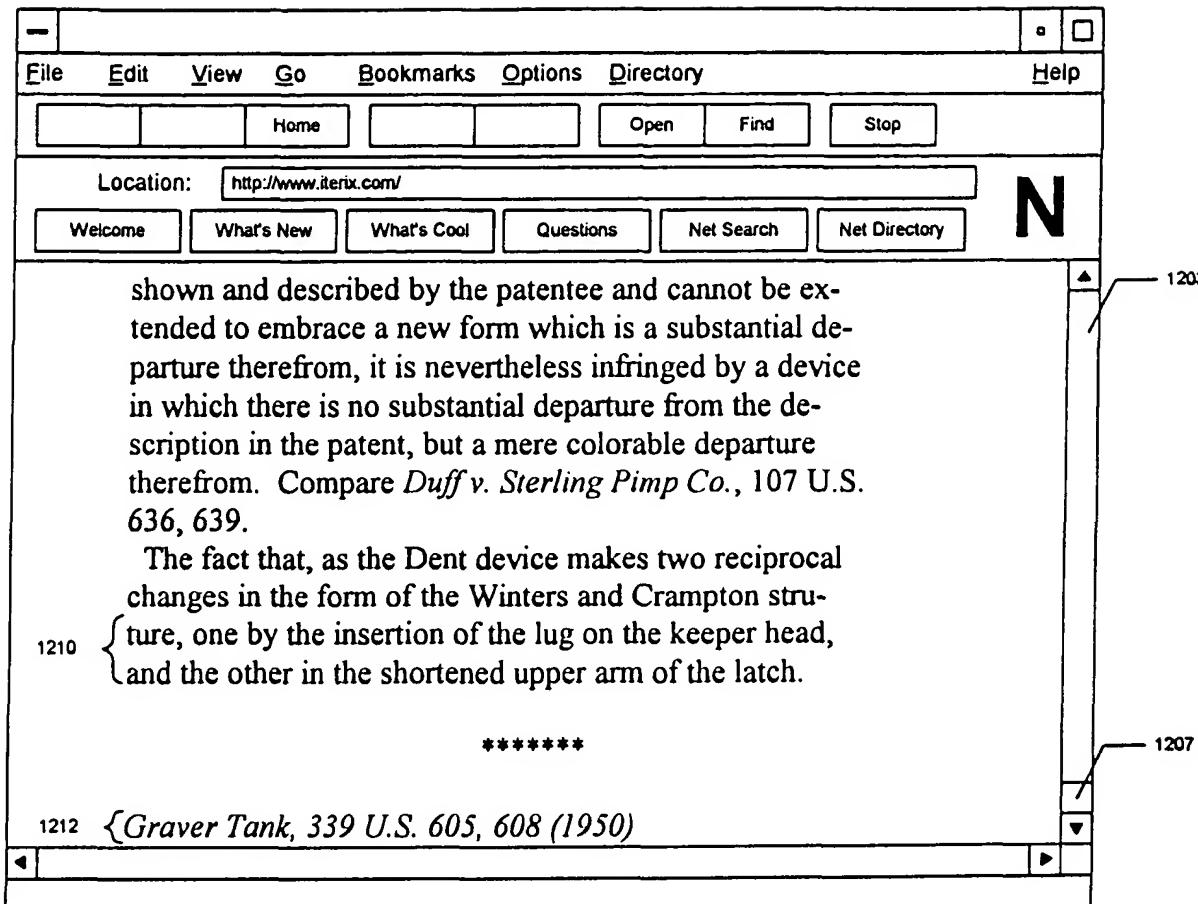


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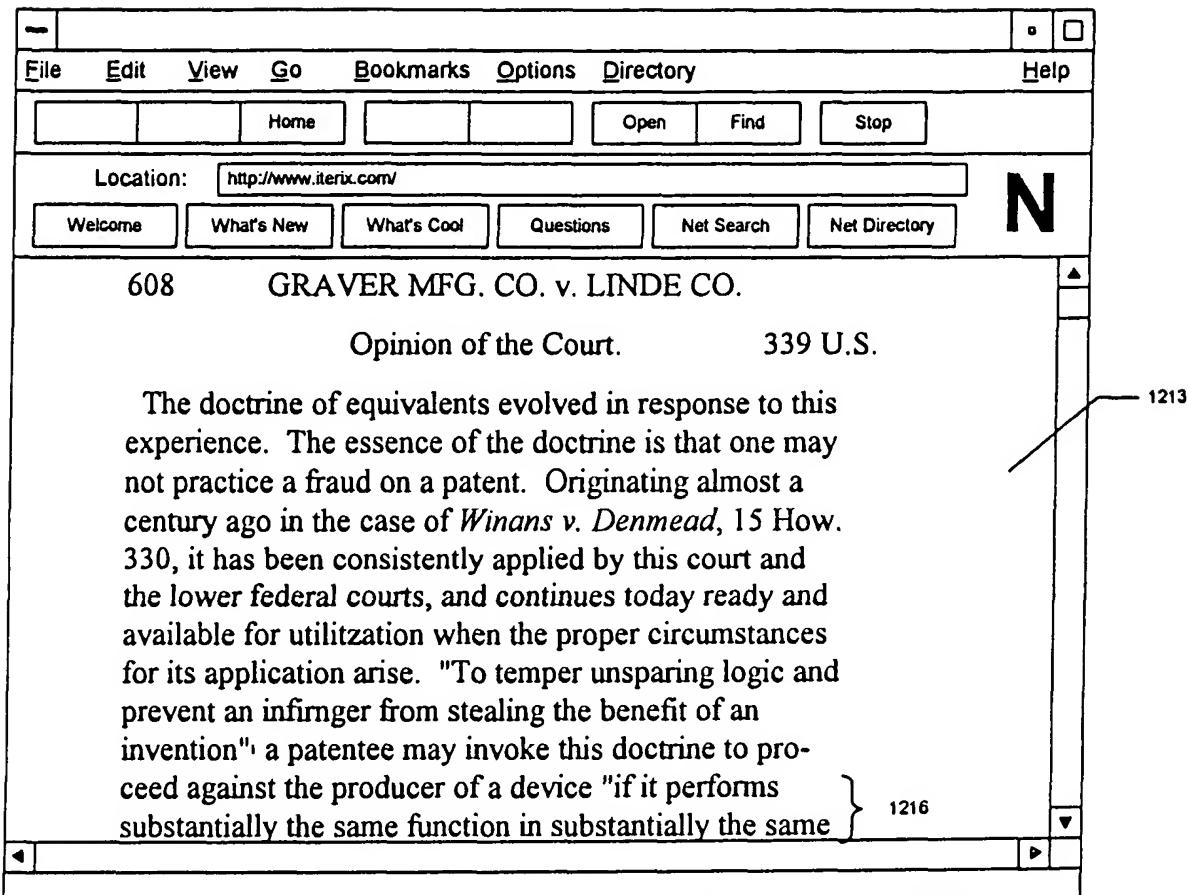


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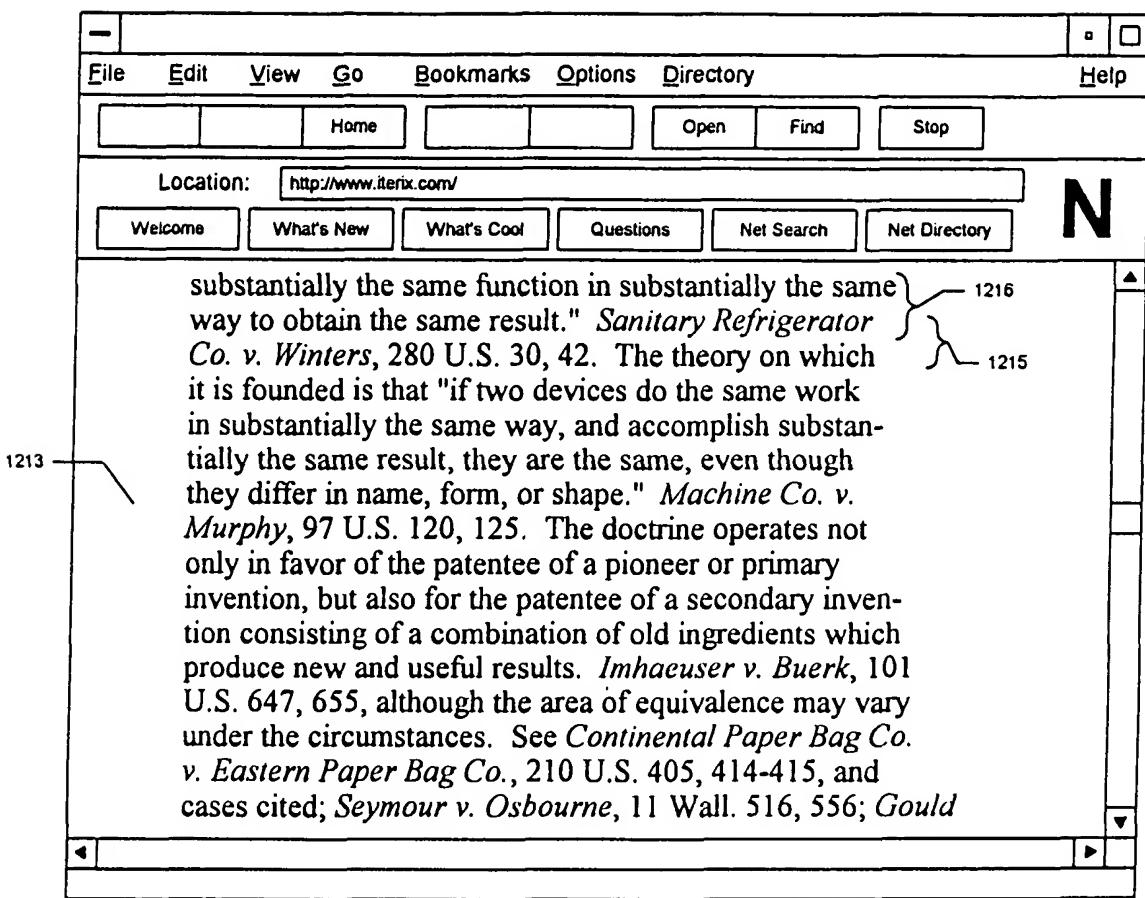


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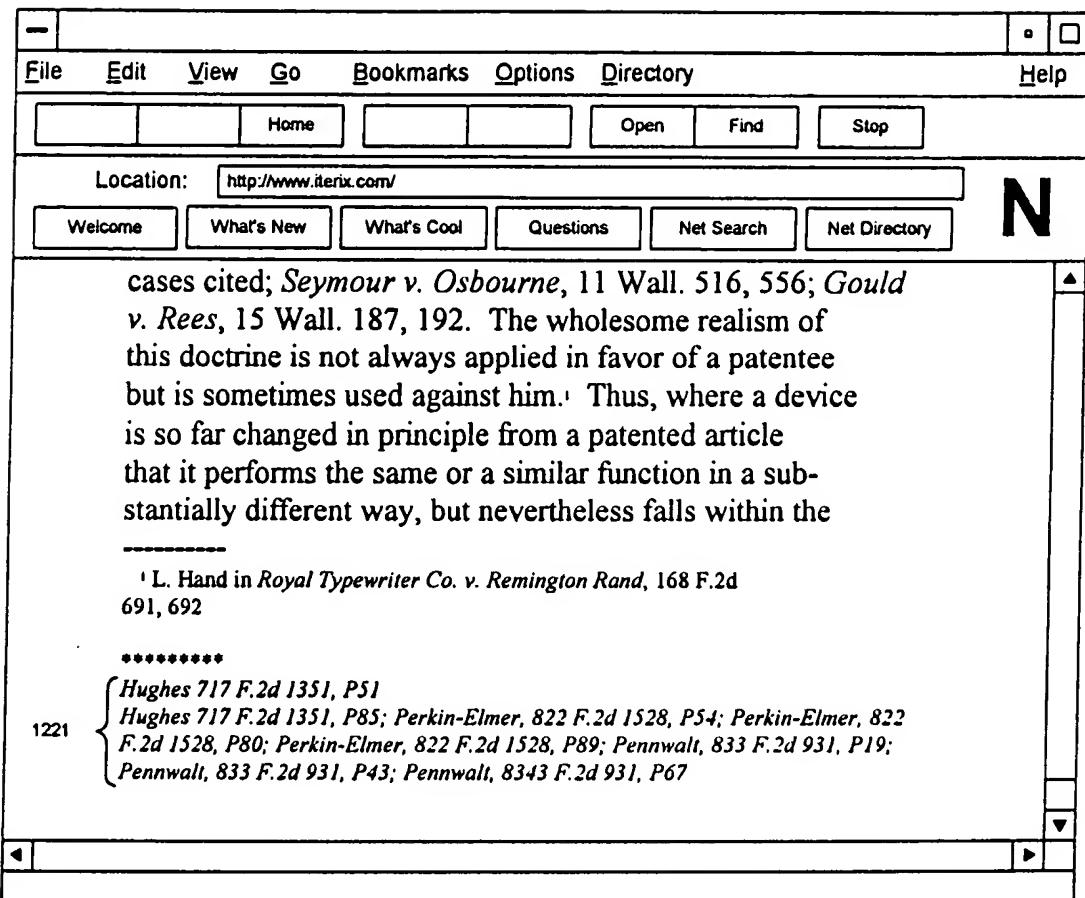


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